

REMARKS

The Office examined claims 1-18 and rejected same. With this paper, various of the claims are amended, some are canceled, and some new claims are added. Claims 1-3, 5-8, 10-11, and 14-24 are now pending.

For the Examiner's convenience, a copy of the claims without change-tracking is included following the page with the signature of applicant's attorney.

Changes to the originally filed claims in addition to changes in response to the Office action

With this paper the claims are amended by replacing "characterized" with "comprising." Applicant respectfully submits that this amendment does not affect the scope of the claims. See MPEP § 2111.03 (the transitional term "comprising" is synonymous with "characterized by"). The claims are also amended to remove reference numerals, which also does not affect the scope of the claims. See MPEP § 608.01(m) (the use of reference characters is considered as having no effect on the scope of the claims). The claims are also amended so as not to recite "step of." Finally, the claims are amended to eliminate the use of acronyms.

Objections to the specification and drawings

At sections 1-6 of the Office action, the drawings and specification are objected to because of reference label 18 occurring in the specification but not the drawings, reference label 22 the reverse, reference label 81 in the drawing but not the specification, and no reference label for the BRM API of Figure 1. With this paper the specification is changed to eliminate the basis for the objections in respect to all but the

BRM API. Applicant respectfully submits that as the block including the caption BRM API is self-labeled by the caption, a separate reference label is not needed, i.e. the caption "BRM API" serves to label the block. 37 CFR 1.84(p)(5) (MPEP 608.02) requires only that:

Reference characters not mentioned in the description shall not appear in the drawings. Reference characters mentioned in the description must appear in the drawings.

There is no other provision as to whether reference characters are required. Further, the only claim (claim 15) referring to the BRM API has been changed by this paper so as not to refer to the BRM API.

For the reasons given and in view of the changes made to the specification, applicant therefore respectfully submits that a drawing amendment is no longer required.

Objections to the claims

At section 7 of the Office action, the disclosure is objected to for various informalities. With this paper, the disclosure is changed in a way believed to obviate the grounds for the objections.

At section 8-9 of the Office action, claims 5 and 6 are objected to for not further limiting the claim from which they depend, i.e. claim 1. Applicant has amended the objected-to claims to make clear that the claims further limit claim 1, which recites merely "referring to one or more data stores." The claims now recited referring to one or more data stores hosted by the wireless terminal and hosted by the operator network, respectively.

Rejections under 35 USC §101

At section 11 of the Office action, claims 1 and 11 are rejected under 35 USC §101 for use of open-ended conditional language. With this paper, claims 1 and 11 are changed in a way believed to overcome the grounds for rejection.

Rejections under 35 USC §102

At section 15 of the Office action, claims 1-10, 14-16 and 18 are rejected under 35 USC §102(b) as being anticipated by U.S. Pat. Pub. No. 2002/0029347, hereinafter Edelman.

Of the claims so rejected, claims 1 and 14-16 are each independent, and the other so rejected claims depend from one or another of claims 1 and 14-16.

Claim 1 has been amended to recite a method for use by a business relationship manager hosted by a wireless terminal subscribed to an operator network, the method including: receiving from an application hosted by the wireless terminal a request to determine whether the application is registered with the operator network; referring to one or more data stores hosting information on registration of applications to determine whether the application is registered with the operator network; and signaling to the application that the application is registered if by referring to the one or more data stores the business relationship manager finds that the application is registered, but otherwise displaying options for paying for use of the application, and then in response to an election by a user, registering the application by signaling to the operator network an indication of an elected option for paying for use of the application along with an identifier of the application and a user identifier stored in a subscriber identity module.

Support for displaying the options for paying is e.g. at page 8 on line 25, or at page 12, line 23.

Support for reciting a user identifier stored in a subscriber identification module is at e.g. page 9, line 30.

Support for reciting that the user identifier is provided to the operator network is at e.g. page 11 in the para. beginning at line 9.

Claims 14-16 are changed to recite corresponding limitations.

Edelman nowhere discloses displaying options for paying for use of an application and signaling to the operator network an indication of an elected option and thus registering the application. Further, Edelman nowhere discloses use of an identifier stored in a subscriber identification module in connection with registering an application. Edelman discloses a "client program" that checks whether an application is registered (by referring to a smart card or some other "licensing information storage medium"). This registering is performed by a registration program, and is described at paragraph [0013], i.e.

The registration program requires the user to enter a code sequence that was provided by the vendor with the software, e.g., printed on a CD-ROM case. The code sequence is checked by the registration program to determine whether it is valid. If it is valid, the registration program enables the user to use the software.

Thus, registration in Edelman, in contrast to the invention as claimed, has no connection with enabling a user to elect a lease/buy plan for an application, so that having done so, the application is registered. Note in particular that all that is required to "register" in the sense used in Edelman is a code sequence (e.g. printed on a CD-ROM) not in any way indicative of a user or user equipment (i.e. a wireless terminal).

Accordingly, applicant respectfully requests that the rejections under 35 USC §102 be reconsidered and withdrawn.

Rejections under 35 USC §103

At section 5 of the Office action, claims 11-12 and 17 are rejected under 35 USC §103 as being unpatentable over Edelman in view of Samjani, "General Packet Radio Service" (Reference U of the PTO-892 attached to the Office action).

With this paper, claim 12 is canceled.

With respect to claims 11 and 17, they have been changed to further specify that a request for network resources is a "get" request, which one skilled in the art understands to be a request for a file. (For support, see page 16, line 15.) The Office has equated a request for network resources as a request to determine whether an application is registered. (The Office refers to paras. [0067] and [0080], and these disclose only the registration process.) Applicant respectfully submits that the changes to claims 11 and 17 are sufficient to distinguish the invention there from the Edelman and Samjani as combined in the Office action.

Accordingly, applicant respectfully requests that the rejections under 35 USC §103 be reconsidered and withdrawn.

New claims

New claim 19, is to a method for use by an operator network, and recites limitations for the operator network corresponding to limitations recited in claim 1 for the wireless terminal. New claim 20, depending from claim 19, recites as further limitations the monitoring of packets in connection with consumption of network resources by the application following a get request by the application, which limitations correspond to what was recited

in original claim 11. New claim 21, also depending from claim 19, recites limitations corresponding to those of original claim 12. New claim 19 is believed distinguished over the applied art for the same reasons as claim 1.

New claims 22-24 are apparatus claims corresponding to the method claims 19-21. Support is the same as for claims 19-21, and also Figure 1, and these claims are believed allowable over the applied art for the same reasons as claims 19-21.

Conclusion

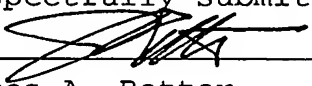
For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's attorney urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Feb. 6, 2007

Date

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468-0224

Respectfully submitted,


James A. Retter
Registration No. 41,266

tel: (203) 261-1234
Cust. No.: 004955

For ease of reference, the claims without change tracking are provided below:

1. (Currently amended) A method for use by a business relationship manager module of a wireless terminal subscribed to an operator network, comprising:

receiving from an application hosted by the wireless terminal a request to determine whether the application is registered with the operator network;

referring to one or more data stores hosting information on registration of applications to determine whether the application is registered with the operator network; and

signaling to the application that the application is registered if by referring to the one or more data stores the business relationship manager finds that the application is registered, but otherwise displaying options for paying for use of the application, and then in response to an election by a user, registering the application by signaling to the operator network an indication of an elected option for paying for use of the application along with an identifier of the application and a user identifier stored in a subscriber identity module.

2. (Currently amended) The method of claim 1, further comprising registering the application with a user information server.

3. (Currently amended) The method of claim 2, wherein the registering is via signalling between the business relationship manager module and the user information server and is according to session initiation protocol signaling or is signaling using an extensible markup language over hypertext transfer protocol or secure hypertext transfer protocol.

4. Canceled.

5. (Currently amended) The method of claim 1, wherein the referring to one or more data stores is a referring to one more data stores hosted by the wireless terminal.

6. (Currently amended) The method of claim 1, wherein the referring to one or more data stores is a referring to one or more data stores maintained by a user information server of the operator network.

7. (Currently amended) The method of claim 1, further comprising:

receiving an indication to de-register the application;

signaling a de-register message to a user information server of the operator network so as to indicate that the application is to be de-registered.

8. (Currently amended) The method of claim 1, wherein the application is assigned an identifier common to all copies of the application and used as an identifier for the application in the one or more data stores holding information indicating whether the application is registered.

9. Canceled.

10. (Currently amended) The method of claim 1, wherein the options include a plan in which the user is billed monthly for use of the application.

11. (Currently amended) The method of claim 1, wherein the application consumes network resources, and the method further

comprises:

appending to each get request by the application a user identifier stored in a subscriber identification module included in the wireless terminal and an identifier indicating the application, and communicating the get request along with the user and application identifiers to the operator network.

12. Canceled.

13. Canceled.

14. (Currently amended) A wireless terminal, comprising:

means for receiving an indication that an application is to be executed;

means for referring to one or more data stores to determine whether the application is registered with an operator network; and

means for signaling to the application that the application is registered if by referring to the one or more data stores the business relationship manager finds that the application is registered, but otherwise displaying options for paying for use of the application, and then in response to an election by a user, registering the application by signaling to the operator network an indication of an elected option for paying for use of the application along with an identifier of the application and a user identifier stored in a subscriber identity module.

15. (Currently amended) A wireless terminal, comprising:

an application, for providing a signal to confirm registration of the application with an operator network in

response to a signal to begin execution, and further responsive to a signal indicating registration is in place;

a business relationship manager, responsive to the signal to confirm registration, for referring to one or more data stores to determine whether the application is registered with the operator network, for signaling to the application that the application is registered if by referring to the one or more data stores the business relationship manager finds that the application is registered, but otherwise displaying options for paying for use of the application, and then in response to an election by a user, registering the application by signaling to the operator network an indication of an elected option for paying for use of the application along with an identifier of the application and a user identifier stored in a subscriber identity module.

16. (Currently amended) A system enabling billing a user of a wireless terminal for use of an application hosted by the terminal, comprising the wireless terminal and an operator network to which the user of the wireless terminal is subscribed, the operator network including a user information server, wherein:

a business relationship manager included in the wireless terminal is configured to respond to a signal from the application by signaling a request to the operator network to determine whether the application is registered, and for signalling to the application an indication of whether the application is registered, and for displaying options for paying for use of the application and for registering the application by signaling to the operator network an indication of an elected option for paying for use of the application along with an identifier of the application and a user identifier stored in a subscriber identity module; and

the user information server of the operator network is configured to respond to the request to determine whether the application is registered by referring to a data store hosted by the operator network.

17. (Currently amended) The system of claim 16, further comprising a gateway general packet radio service support node, and further wherein the business relationship manager is configured to append to each get request by the application a user identifier and an application identifier, and the general packet radio service support node is configured to count packets bearing the user identifier and application identifier by monitoring received packets.

18. (Currently amended) A computer program product comprising: a computer readable storage structure embodying computer program code thereon for execution by a computer processor in a wireless terminal, said computer program code providing instructions for performing the method of claim 1.

19. (New) A method for use by an operator network providing wireless communication, comprising:

providing to a wireless terminal at least one option for paying for use of an application hosted by the wireless terminal; and

receiving an indication of an option for paying for use of the application along with an identifier of the application and a user identifier stored in a subscriber identity module included in the wireless terminal.

20. (New) The method of claim 19, further comprising:

receiving from the wireless terminal a get request issued by the application along with the user identifier and the identifier indicating the application; and

counting the packets bearing the identifier indicating the user and the identifier indicating the application.

21. (New) The method of claim 19, wherein the support node is a gateway general packet radio service support node.

22. (New) An operator network providing wireless communication, comprising:

a software business server, for providing to a wireless terminal at least one option for paying for use of an application hosted by the wireless terminal; and

a user information server, for receiving an indication of an option for paying for use of the application along with an identifier of the application and a user identifier stored in a subscriber identity module included in the wireless terminal.

23. (New) The operator network of claim 22, further comprising:

a gateway support node, for receiving from the wireless terminal a get request issued by the application along with the user identifier and the identifier indicating the application, and for counting the packets bearing the identifier indicating the user and the identifier indicating the application.

24. (New) The operator network of claim 22, wherein the support node is a gateway general packet radio service support node.